

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Ernest Carter,

Civil No. 16-3455 (DWF/HB)

Petitioner,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

State of Minnesota,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated October 25, 2016. (Doc. No. 4.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

**ORDER**

1. Magistrate Judge Hildy Bowbeer's October 25, 2016 Report and Recommendation (Doc. No. [4]) is **ADOPTED**.
2. Petitioner Ernest Carter's petition for a writ of habeas corpus (Doc. No. [1]) is **DISMISSED WITHOUT PREJUDICE**.
3. Petitioner Ernest Carter's application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED AS MOOT**.

4. No certificate of appealability will be issued.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: November 22, 2016

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge